

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 11618 of 2006

Date: 27-06-2006

Between:

K.Pullu Reddy

..... PETITIONER

AND

The Commissioner of Prohibition
and Excise, Government of A.P.,
Hyderabad and two others.

....RESPONDENTS

HON'BLE Ms. JUSTICE G.ROHINI

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WRIT PETITION No. 11618 of 2006

ORDER:

In pursuance of the auction notice issued under the provisions of the Andhra Pradesh Excise (Lease of Right of selling by shop and conditions of Licence) Rules, 2005 for grant of lease of shops for the lease year 2006-2008, the petitioner had submitted his bid in respect of shop near R.T.C. bus stand, Ananthapur, for which the upset price was fixed as Rs.27,52,200/- . The petitioner states that though he submitted his offer for Rs.34,00,180/-, due to oversight the amount in the challan in figures was wrongly mentioned as Rs.34,0189/-. Admittedly the third respondent herein quoted Rs.33,36,000/- for the same shop. It is claimed that though in the first instance the petitioner was orally declared as successful bidder, subsequently, the second respondent rejected the petitioner's tender and declared the third respondent as successful bidder. It is further stated that the petitioner made a representation dated 07-06-2006 through speed post to the second respondent requesting not to disqualify him on a technical ground stating that the mistake in mentioning the figures in the challan was due to inadvertence. However the second respondent failed to consider his representation. Hence, this writ petition seeking a declaration that the action of the second respondent in rejecting the petitioner's tender in spite of the fact that he was the highest bidder is arbitrary and illegal.

The learned counsel for the petitioner contends that the respondents were not justified in rejecting the petitioner's tender

since admittedly the petitioner had quoted Rs.34,00,189/- whereas the third respondent had quoted Rs.33,36,000/-. The action of the respondents was not in public interest and at any rate, the respondents, without communicating the reasons in writing for rejection of the petitioner's bid which was the highest, particularly while keeping the representation made by the petitioner pending, ought not to have granted the licence in favour of the third respondent.

Though no counter affidavit has been filed, the learned Government Pleader has produced the relevant record before this Court. The tender form filed by the petitioner shows that the lease amount offered by him was shown in figures as Rs.3,40,189/- and in words it was mentioned as "thirty four lakhs one hundred and eighty nine rupees only". Thus, it is clear that there was a variation in figures and words in the petitioner's tender. The learned Government Pleader states that in view of such variation, the petitioner's tender was rejected and the tender submitted by the third respondent, who was the highest bidder, was accepted.

It is also brought to my notice that having accepted the tender of the third respondent, the licence was already granted in his favour on 25-06-2006 and the licence period will commence from 01-07-2006 onwards.

It is relevant to note that the auction was conducted on 03-06-2006 and on the same day it was declared in the auction hall that the third respondent was the successful bidder. Admittedly, the petitioner did not raise any objection on 03-06-2006. He states that on 07-06-2006 he had submitted a representation through speed post. The specific case of the respondents was that on 03-06-2006 itself in the auction hall the petitioner was declared as disqualified in view of the variations found in the petitioner's tender. Since the said variation is not in dispute, I am unable to

find fault with the action of the respondents in not considering his bid. Admittedly the offer made by the third respondent was much higher than the upset price fixed and therefore it cannot be said that accepting the bid of the third respondent was not in public interest.

For the aforesaid reasons the action of the respondents in declaring the third respondent as the successful bidder and granting licence in his favour cannot be held to be arbitrary or illegal much less in violation of the statutory provisions.

In the circumstances, the writ petition is devoid of any merit and the same is accordingly dismissed. No costs.

G.ROHINI,J

Dated:27-06-2006

Note: Issue C.C. by Friday

B/o

KLP